

REMARKS/ARGUMENTS

This Reply is in response to the Final Office Action dated July 2, 2003 ("Office Action") and is thus timely filed.

Claims 1-6 and 10-20 were pending in the application at the time of the Office Action. In this Reply, Applicants have amended claims 1-6, 10-12, 14, 16 and 18-20 and cancelled claims 1 and 15. No new matter is presented. Applicants note that, by virtue of the Petition under 37 CFR §1.182 to change the order in which the inventors' names appear filed on March 10, 2003, the present case should be referred to as Shah et al as indicated herein.

Claims 3 and 12-14 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 has been amended to clarify that the % oil is with respect to the microemulsion. Claim 12 has been amended to now recite the uses being topical applications, blending and oral applications of the microemulsion. Accordingly, the 35 U.S.C. §112, second paragraph rejections are now overcome. Therefore, claims 12-14 are now in condition for allowance.

Several claims were determined to be allowable in the Office Action. Claims 2, 6, 16, 17, and 18 were objected to as being dependent upon a rejected base claim, but were deemed to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Former Claim 2 (method of forming an oil-in-water microemulsion) and Claim 16 (oil-in-water microemulsion) both recite the surfactant to being a single non-ionic alkyl phenol ethoxylated surfactant while claim 18 (oil-in-water microemulsion) recites that the oil comprises Neem oil. According to the Examiner:

"the allowable subject matter is based on the determination that: the prior art of record does not disclose microemulsion compositions employing nonionic alkyl phenol ethoxylated surfactants as a single surfactant in the absence of a primary short chain (C1 to C6) alcohol and in the absence of an ionic cosurfactant. Further, the prior art of record does not disclose microemulsion compositions employing nonionic alkyl phenol ethoxylated surfactants to make Neem oil microemulsion in the absence of a primary short chain (C1 to C6) alcohol and in the absence of an ionic cosurfactant."

Claim 2 (method of forming an oil in water microemulsion) is now written as an independent claim and includes the limitation "a single surfactant selected from the group consisting of non-ionic alkyl phenol ethoxylated surfactants". Claim 4 (method of forming an oil in water microemulsion) is now written as an independent claim and includes the limitation "at least one oil including Neem Oil". Therefore, as amended herein, claims 2-6, 10 and 11 are now in condition for allowance.

Claim 16 (oil in water microemulsion) is now written as an independent claim and includes the limitation "a single surfactant selected from the group consisting of non-ionic alkyl phenol ethoxylated surfactants". Claim 18 (oil in water microemulsion) is now written as an independent claim and includes the limitation "at least one oil including Neem Oil". Therefore, claims 16-20 are now in condition for allowance.

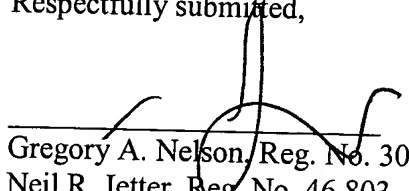
Applicants have made every effort to present claims which distinguish over the cited art, and it is believed that all pending claims are in condition for allowance and do not require any additional searching. However, Applicants request the Examiner to please call the undersigned after review of this Reply if the Examiner determines that any clarification is necessary to permit issuance of a Notice of Allowance.

The Commissioner for Patents and Trademarks is hereby authorized to charge the extra claim fees in the amount of \$84.00 to Deposit Account No. 50-0951. Further, the Commissioner for Patents and Trademarks is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid on the filing, or during prosecution of this application to Deposit Account No. 50-0951.

Respectfully submitted,

Date: _____

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